

dyed, or chemically treated decorative plant materials; filler or greenery, such as fern fronds and asparagus plumes, frequently packed with fresh cut flowers; nor to Christmas greenery, such as holly, mistletoe, and Christmas trees.

(b) *Inspector.* An employee of the U.S. Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of the Plant Quarantine Act.

[24 FR 10788, Dec. 29, 1959, as amended at 62 FR 50231, Sept. 25, 1997]

#### § 319.74-2 Regulated articles.

All cut flowers imported into the United States from the foreign countries and islands designated in the quarantine are subject to the regulations in this subpart.

[24 FR 10788, Dec. 29, 1959, as amended at 62 FR 50231, Sept. 25, 1997]

#### § 319.74-3 Conditions governing the entry of cut flowers.

(a) All cut flowers shall be given such inspection and treatment at the port of entry as may be deemed necessary by the inspector. Cut flowers imported from any country or locality and found upon inspection to be infested with agromyzids (insects of the family Agromyzidae) shall be fumigated at the time of importation with methyl bromide in accordance with a procedure specified in paragraph (c) of this section, except that such fumigation shall not be required for cut flowers imported from Canada (including Labrador and Newfoundland) or Mexico because of the finding of agromyzids, and shall not be required for cut flowers of *Chrysanthemum* spp. imported from Colombia or the Dominican Republic because of the finding of agromyzids, when such agromyzids are identified by an inspector to be only agromyzids of the species *Liriomyza trifolii* (Burgess). Any cut flowers found upon inspection to be infested with injurious insects or infected with plant diseases, which cannot be eliminated by treatment, shall be denied entry. The importer will be given the option of abandoning for destruction such rejected cut flowers or immediately shipping them to a point outside the United States.

(b) Whenever, during the inspection of cut flowers imported in accordance with the regulations in this subpart, the inspector shall find them to be infested with an injurious insect or infected with an injurious plant disease, which can be eliminated by a method of treatment selected by him in accordance with administratively authorized procedures known to be effective under the conditions applied, he may prescribe as a condition of entry that such treatment be applied by the importer or his agent, under the supervision of the inspector. All costs for such treatment, except for the services of the inspector, shall be borne by the importer or his agent. Neither the Department of Agriculture nor the inspector shall be deemed responsible for any adverse effects of such treatment on the cut flowers so treated. In lieu of treatment the importer of infested or infected cut flowers shall be given the option of immediately shipping them to a point outside the United States or abandoning them for immediate destruction.

(c) Fumigation of cut flowers for agromyzids (insects of the family Agromyzidae) shall consist of fumigation with methyl bromide at normal atmospheric pressure in a chamber or under a tarpaulin in accordance with one of the following schedules:

*1½ lbs. per 1000 cu. ft. for 2 hours at 80°-90° F.*

(19 oz. concentration at first ½ hour)  
(12 oz. concentration at 2 hours); or

*2 lbs. per 1000 cu. ft. for 2 hours at 70°-79° F.*

(24 oz. concentration at first ½ hour)  
(16 oz. concentration at 2 hours); or

*2½ lbs. per 1000 cu. ft. for 2 hours at 60°-69° F.*

(30 oz. concentration at first ½ hour)  
(20 oz. concentration at 2 hours); or

*3 lbs. per 1000 cu. ft. for 2 hours at 50°-59° F.*

(36 oz. concentration at first ½ hour)  
(24 oz. concentration at 2 hours); or

*3½ lbs. per 1000 cu. ft. for 2 hours at 40°-49° F.*

(41 oz. concentration at first ½ hour)  
(27 oz. concentration at 2 hours)

NOTE: There is a possibility that some cut flowers could be damaged by such fumigation.

(Secs. 5 and 9, 37 Stat. 316, 318, as amended, 7 U.S.C. 159, 162; 7 CFR 2.17, 2.51, and 371.2.)